

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

572J0542

## SENATE BILL NO. 145

Introduced by: Senators Koetzle, Abdallah, and Kloucek and Representatives LaRue, Miles, Nesselhuf, and Thompson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding pensions allowed  
2 firefighters for impairment caused by cancer.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-16-3.3 be amended to read as follows:

5 9-16-3.3. A pension ~~may~~ shall be allowed pursuant to § 9-16-3.2 for any condition of  
6 impairment of health caused by primary brain cancer, malignant melanoma, leukemia, multiple  
7 myeloma, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, and kidney cancer resulting  
8 in total or partial disability to an officer or member of a fire department who, upon entering such  
9 service or after employment, successfully passed a physical examination which failed to reveal  
10 any evidence of such condition. This section pertains solely to pension matters under this  
11 chapter and does not restrict a claimant's ability to file for benefits under chapter 62-8 or change  
12 the burden of proof established in § 62-8-12. Any total disability allowance provided by this  
13 section shall be equal to seventy-five percent of the highest annual compensation earned in any  
14 of the previous three years immediately preceding the date of the disability, this compensation  
15 shall be increased by ten percent for each child to a maximum of four children, to a maximum



1 of one hundred percent of highest annual compensation.